

Remarks

The Applicants express appreciation to the examiner for the interview of May 29, 2007 wherein the pending claims were discussed.

Claims 1-5 and 11-20 are pending in the application. All claims stand rejected. The claims are amended herein for clarification. No new matter has been added.

35 U.S.C. § 102

Claims 1, 3-5, 11-12, and 14-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,690,795 to Richards ("Richards"). This rejection is respectfully traversed.

By this paper, independent claims 1 and 11 have been amended based on suggestions from the interview.

Claim 1 recites a method of simulcasting multimedia content to enable seamless migration from a first multimedia receiver to a second multimedia receiver, the second multimedia receiver supporting at least one encryption format not supported by the first multimedia receiver, comprising:

encrypting a group of original multimedia channel keys using a first encryption format decryptable by the first multimedia receiver to produce a first group of encrypted multimedia channel keys;

encrypting said same group of original multimedia channel keys using a second encryption format decryptable by the second multimedia receiver to produce a second group of encrypted multimedia channel keys, the second encryption format being developed after the first encryption format, and the second multimedia receiver being developed after the first multimedia receiver.

Claim 1 includes the limitation of the second encryption format being developed after the first encryption format. As newer and more advanced encryption formats are

introduced, receivers enter into the market to take advantage of these formats. Claim 1 also recites that the second multimedia receiver is developed after the first multimedia receiver. Support is found for these limitations in pages 30 through 46 of the specification, which discusses simulcasting and the seamless introduction of newer receivers without discontinuing service to older receivers.

Because the second encryption format is developed after the first encryption format, it originates and is conceived of later in time. This is typically the case with more advanced encryption techniques which build on conventional techniques. Likewise, the second multimedia receiver originates and is conceived of later in time than the first multimedia receiver. The claim limitations reflect the progression of less advanced techniques and equipment to more advanced.

Richards teaches the use of program keys, SK_A and SK_B, which are themselves encrypted by another key, CUSTOMER_CODE. Column 6, lines 56 to 67 and column 7, line 63 to column 8, line 2. However, there is no teaching or suggestion in Richards of different encryption formats which are developed at different times. To develop is defined as “to bring into being or activity; generate; evolve.” This is the case with more advanced encryption formats being introduced over time. Richards teaches the same encryption format being used to encrypt keys SK_A and SK_B.

Richards does suggest that the key CUSTOMER_CODE uniquely identifies a customer. Column 10, lines 33-38. However, this cannot be reasonably construed as different encryption formats developed at different points in time. A key is not an encryption format. “Encryption is the process of transforming information unreadable

to anyone except those possessing special knowledge, usually referred to as a key.” www.wikipedia.com. Thus, a single type of encryption or encryption format may employ an infinite number of keys. Each key does not represent a different form of encryption. There is no discussion in Richards of using encryption formats developed subsequent to one another or of receivers developed subsequent to one another.

Anticipation under section 102 is proper only if the reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985). See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim.) Because Richards does not show exactly what is recited in the amended claims, reconsideration is requested.

Claim 11 includes similar limitations and likewise represents patentable subject matter.

35 U.S.C. § 103

Claims 2, 13, and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards and further in view of U.S. Patent No. 6,415,031 to Colligan et al. (“Colligan”). This rejection is respectfully traversed.

Because these claims include the limitations of their respective independent claims, they are patentably distinct from Richards. The addition of Colligan does not cure the deficiencies of Richards. Specifically, Colligan does not disclose at least the following limitations of claim 1:

encrypting a group of original multimedia channel keys using a first encryption format decryptable by the first multimedia receiver to produce a first group of encrypted multimedia channel keys;

encrypting said same group of original multimedia channel keys using a second encryption format decryptable by the second multimedia receiver to produce a second group of encrypted multimedia channel keys, the second encryption format being developed after the first encryption format, and the second multimedia receiver being developed after the first multimedia receiver.

New Claims

New claim 21 recites:

encrypting a channel key using a standard encryption format decryptable by the first type of multimedia receiver to generate a first encrypted channel key;

encrypting said channel key using a non-standard encryption format decryptable by the second type of multimedia receiver but not the first type of multimedia receiver, to provide a second encrypted channel key;

Standard encryptions are defined in the specification as being simpler, older techniques, whereas non-standard encryptions are defined in the specification as being more advanced and requiring newer receivers. See, pages 3 and 4, paragraph [0006]; page 4, paragraph [0007]; page 5, paragraph [0009]; page 30, paragraph [0079] to page 34 paragraph [0087]; and page 42, paragraph [00106] to page 43, paragraph [00108]. Richards has no discussion of standard versus non-standard encryptions or less advanced and more advanced encryptions. Richards is silent on the matter of utilizing encryptions of varying sophistication and introducing them over time.

Based on the foregoing, the Applicant respectfully submits that claims 1-5 and 11-23 are in condition for allowance. Reconsideration and early allowance of all pending claims herein is respectfully requested.

If any issues remain that would prevent the prompt allowance of all claims, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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